

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAUSTEVEION JOHNSON,

Plaintiff,

vs.

NDOC, et al.,

Defendant.

Case No. 2:13-cv-00110-JAD-GWF

ORDER

Plaintiff's Motion to Request
Identification of the Unserved
Defendants (#19)

This matter comes before the Court on Plaintiff's Motion to Request Identification of the Unserved Defendants (#19), filed on September 12, 2013. Pursuant to Minute Order (#40) entered on February 28, 2014, Defendants filed an updated Notice of Appearance/Acceptance of Service (#44) on March 14, 2014.

BACKGROUND

Defendants filed their Notice of Acceptance of Service (#18) on August 30, 2013. In the Notice, the Attorney General did not accept service for named Defendants Buck, Hunns, P. Mayday, John Doe, Brown, Hall, Miller and Rowley due to the Attorney General's inability to identify Defendants as current or prior employees of the Nevada Department of Corrections ("NDOC"). Furthermore, the Attorney General did not accept service for Defendants Kennedy and Watson because the Attorney General was still attempting to identify and/or locate the two aforementioned Defendants.

In response to Defendants' Notice of Acceptance, Plaintiff filed the present Motion (#19) requesting identification of the unserved defendants. In his Motion (#19), Plaintiff provided additional information to assist the Attorney General in identifying those individuals for whom service was previously not accepted. Pursuant to Minute Order (#40) entered on February 28,

2014, the Court ordered the Attorney General to file a response to Plaintiff's Motion (#19) updating the Court on the status of acceptance of service by March 14, 2014. The Defendants complied, filing an updated Notice of Appearance/Acceptance of Service (#44) wherein the Attorney General listed those unserved defendants for whom the Attorney General is still unable to accept service. Those Defendants include Buck, Hunns, John Doe Emergency Grievance Responder, Mayday, Brown, Hall, and Rowley. In the updated Notice, the Attorney General confirmed acceptance of service on behalf of the previously unserved Defendant, Lloyd Millar. Furthermore, the Attorney General confirmed the prior employment status and obtained the last known addresses for two additional previously unserved Defendants, Adam Watson and Jacqueline Kennedy. The Defendants then filed a Motion for Leave to File Defendants' Last Known Addresses under seal (#45 and #46 (sealed)). The Court granted Defendants' motions and ordered the U.S. Marshals to serve Defendants Watson and Kennedy and give the Court a status update as to the service no later than May 12, 2014. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion Identifying the Unserved Defendants (#19) is **granted**. Defendants have identified the following defendants as unserved: Buck, Hunns, John Doe Emergency Grievance Responder, Mayday, Brown, Hall, and Rowley.

IT IS FURTHER ORDERED that if Plaintiff wishes to have service again attempted on an unserved defendant(s), then a motion must be filed with the Court identifying the unserved defendant(s) and specifying a more detailed name and/or address for said defendant(s), or whether some other manner of service should be attempted. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure, service must be accomplished within one hundred twenty (120) days from the date that the Complaint was filed. The Court, therefore, will give Plaintiff until **May 12, 2014**, to effectuate service on the unserved defendants.

DATED this 27th day of March, 2014.



GEORGE FOLEY, JR.
United States Magistrate Judge